



09 - 01 - 06

zfw
DAC

In the United States Patent and Trademark Office

In the application of:) Examiner: EDELL, Joseph F
Knud KLINGLER)
)
Application No.: 10/760,658) Group Art Unit: 3636
)
Filing Date: 01/19/2004) Attorney Docket No.: 41587-346
)
Entitled: SUPPORT WITH)
ADJUSTABLE ARCH, ESPECIALLY A)
LUMBAR SUPPORT FOR ANY TYPE)
OF SEAT OR BED)

**PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM
FOR FOREIGN PRIORITY UNDER 35 U.S.C. 119(A)-(D)
UNDER 37 C.F.R. § 1.55(C)**

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I certify that this document and fee is being deposited on August 29, 2006
with the U.S. Postal Service as Express Mail under 37 C.F.R. 1.10 and
addressed to MAIL STOP PETITION, Commissioner for Patents, P.O. Box
1450, Alexandria, VA 22313-1450 on this 29th day of August, 2006.

Express Mail No.: EV697645277US



(Signature)

09/05/2006 MGBREMI 00000002 10760658

01 FC:1454

1370.00 DP

Sir:

In accordance with 37 C.F.R. § 1.55(c), Applicant hereby petitions the Office to accept an unintentionally delayed claim for foreign priority in the above-captioned case.

Although a claim for foreign priority was made in this application's parent case (09/729,538 filed 12/04/2000, subsequently issued as US Pat 6,682,144 on 01/27/2004), due to clerical error that was not immediately discovered the certified copy of the foreign priority document was not entered in the parent case. Thus, the entire delay in submitting this foreign priority document was unintentional. To remedy this situation in the present application, Applicant wishes to perfect a priority claim to PCT/EP99/03825, filed 6/2/1999, which in turn claims priority to German application 198 25 225.0, which was filed 6/5/1998.

The certified German priority document was filed on 03/28/2006 along with a response to the 01/12/2006 non-final Office action in this case. Subsequently, in the response to the Office action of 07/06/2006 the following amendment was made to the Specification:

"This application claims priority under 35 USC 120 as a continuation application to U.S. Application No. 09/729,538, filed December 4, 2000 (now U.S. Patent 6,682,144), which is a national phase application of PCT/EP/99/03825, filed June 2, 1999, which claims priority of German patent application DE 19825225 filed June 5, 1998."

To perfect this claim for foreign priority, Applicant is concurrently submitting a Supplemental Application Data Sheet listing the foreign priority claim as shown above.

In support of this delayed priority claim, Applicant refers the Office to the following excerpt from the Manual of Patent Examining Procedure, which indicates that a foreign priority claim may be submitted in a continuation case even where the claim had not been perfected, or even filed, in the parent case:

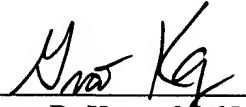
"Where the benefit of a foreign filing date, based on a foreign application, is claimed in a later filed application or in a reissue application and a certified copy of the foreign application, as filed, has not been filed in a parent or related application, a claim for priority may be made in the later application. In re Tangsrud, 184 USPQ 746 (Comm'r Pat. 1973). When such a claim is made in the later application and a certified copy of the foreign application is placed therein, the examiner should acknowledge the claim on form PTOL-326."

MPEP 201.14(b)(II) (Emphasis added)

Thus, Applicant hereby petitions the Office to accept this unintentionally delayed claim for foreign priority in the present case and respectfully requests that the Office grant this Petition.

A check is enclosed for \$1,370.00. The Office is hereby authorized to charge any additional fees or to credit any overpayment to Deposit Account No. 08-3460.

Respectfully submitted,



Grant D. Kang, 314,651
Husch & Eppenberger, LLC
190 Carondelet Plaza
St. Louis, Missouri 63105
Telephone Number: 314-480-1500
Facsimile: 314-480-1505

Customer No. 029493